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8 Attorneys for Plaintiffs
THOMAS WEISEL PARTNERS LLC and
9 THOMAS WEISEL INTERNATIONAL
PRIVATE LIMITED
10

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

HOWARD
RICE
NEMEROVSKI
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A Professional Corporation

15 THOMAS WEISEL PARTNERS LLC, a
Delaware limited liability company, and
16 THOMAS WEISEL INTERNATIONAL
PRIVATE LIMITED, an Indian company,
17

18 Plaintiffs,

19 v.

20 BNP PARIBAS, a French corporation, BNP
PARIBAS SECURITIES (ASIA) LIMITED,
a Hong Kong company, and PRAVEEN
21 CHAKRAVARTY, an individual,
22

23 Defendants.
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No. CV-07-06198 MHP

Action Filed: December 6, 2007

PLAINTIFFS AND BNP
DEFENDANTS' STIPULATION AND
[PROPOSED] ORDER RE SERVICE OF
PROCESS, MOTIONS AND RULE 26(f)
CONFERENCE (Civil L. R. 6-2)

1 WHEREAS, Plaintiffs Thomas Weisel Partners LLC and Thomas Weisel International
2 Private Limited (collectively “TWP”) filed the above-captioned action on December 6,
3 2007;

4 WHEREAS, on January 15, 2008, TWP filed a First Amended Complaint;

5 WHEREAS, counsel for Defendants BNP Paribas and BNP Paribas Securities (Asia)
6 Limited (“BNPP Asia”) has informed TWP’s counsel that the BNP Defendants intend to file
7 a motion to dismiss the First Amended Complaint, in part, on the basis of a lack of personal
8 jurisdiction and forum non conveniens;

9 WHEREAS, these parties agree that the Court should hear and resolve the above-
10 mentioned dismissal arguments before considering challenges to the sufficiency of the
11 claims alleged in the First Amended Complaint;

12 NOW, THEREFORE, TWP, BNP Paribas and BNPP Asia HEREBY STIPULATE
13 AND AGREE as follows:

14 1. BNP Paribas and BNPP Asia, through their authorized counsel, accept service of
15 the Summons, Complaint, First Amended Complaint, and any and all related papers required
16 to be served with the Complaint and First Amended Complaint, and waive any objection to
17 the sufficiency either of the process served upon them or the service of process. *See* Fed. R.
18 Civ. Proc. 12(b)(4) and 12(b)(5).

19 2. BNP Paribas and BNPP Asia will file their anticipated motion to dismiss for lack
20 of personal jurisdiction and forum non conveniens (the “Jurisdiction Motion”) on or before
21 March 7, 2008. Absent a need to delay briefing in order to complete jurisdictional discovery
22 (*see* Paragraph 3), TWP will file and serve its opposition on March 28, 2008, and BNP
23 Paribas and BNPP Asia will file and serve their reply on April 11, 2008. The Jurisdiction
24 Motion will be heard on April 28, 2008, or as soon thereafter as the Court’s schedule
25 permits.

26 3. If TWP undertakes jurisdictional discovery—whether by consent or leave of
27 Court—the parties will meet and confer in good faith to consider whether it is necessary to
28 revise or extend the briefing and hearing schedule set forth above.

1 4. Motions challenging the sufficiency of the claims alleged in the First Amended
2 Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (the “12(b)(6)
3 Motions”) will be filed and served by either or both of these defendants no later than 14 days
4 after the Court issues an order on the Jurisdiction Motion. Oppositions will be due 30 days
5 thereafter, and replies will be due 15 days after the oppositions are filed. The 12(b)(6)
6 Motions will be heard as soon thereafter as the Court’s schedule permits or at another date
7 mutually agreed upon by the parties and acceptable to the Court.

8 5. During the pendency of these motions, BNP Paribas and BNPP Asia agree to
9 comply with all applicable rules regarding the preservation of evidence relating to this
10 matter.

11 6. On or before March 14, 2008, counsel for the parties will confer. Plaintiffs
12 intend to assert that such a conference is pursuant to Rule 26(f) of the Federal Rules of Civil
13 Procedure, and to request that discovery more forward. Defendants do not agree that
14 counsel for the parties will be meeting pursuant to Rule 26(f), and intend to argue that no
15 discovery should be permitted until after the Court resolves the Jurisdiction Motion.
16 Counsel for the parties will submit to the Court a written report outlining their respective
17 positions on or before March 24, 2008. The participation of counsel for BNP Paribas and
18 BNPP Asia in this conference and planning process will not waive any argument that may be
19 available to BNP Paribas and BNPP Asia in the Jurisdiction Motion and the 12(b)(6)
20 Motions.

21 7. The dates set by the Court for the filing of the Joint Case Management
22 Conference Statement (March 21, 2008) and for the Case Management Conference (March
23 31, 2008) will remain as stated in the December 28, 2007 Clerk’s Notice.

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2 Dated: February , 2007

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6 By:

GILBERT R. SEROTA

Attorneys for Plaintiffs
THOMAS WEISEL PARTNERS LLC
and THOMAS WEISEL
INTERNATIONAL PRIVATE
LIMITED

11 Dated: February 15, 2007

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14 By:

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Attorneys for Defendants BNP
PARIBAS and BNP PARIBAS
SECURITIES (ASIA) LIMITED

20 PURSUANT TO STIPULATION, IT IS SO ORDERED

21 Dated: February 22, 2008



STIPULATION AND [PROPOSED] ORDER RE SERVICE OF PROCESS, ETC. C-07-6198 MHP

1
2 Dated: February 15, 2007

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12 Dated: February , 2007

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16 Attorneys for Defendants BNP
17 PARIBAS and BNP PARIBAS
SECURITIES (ASIA) LIMITED

18
19
20 PURSUANT TO STIPULATION, IT IS SO ORDERED

21 Dated: February ___, 2008

23 _____
Judge Marilyn Hall Patel
24 United States District Judge